



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,104	03/06/2001	Frank Bähren	Westphal.6123	3956

7590 02/11/2003

Patrick J. O'Shea, Esq.
Samuels, Gauthier & Stevens, LLP
Suite 3300
225 Franklin Street
Boston, MA 02110

EXAMINER

HERNANDEZ, OLGA

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

51

Office Action Summary	Application No.	Applicant(s)	
	09/801,104	BÄHREN ET AL.	
	Examiner	Art Unit	
	Olga Hernandez	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 1/21/03 have been fully considered but they are not persuasive. Regarding the two units, Ise discloses both clearly in figure 1. One is the CPU (10) and the second unit is the display unit (2). On the other hand, Morimoto discloses both computing units in figure 1 (29 and 18c). Therefore, each and every element of the claimed invention is disclosed by the prior art of record.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ise (6,240,361).

As per claims 1, 7 and 13, Ise discloses:

Art Unit: 3661

- a position sensor that senses the geographic position of the navigation system and provides a first navigation system position signal indicative thereof (figure 2(1) and 7);
- a data bus (figure 1);
- a navigation computing unit that receives the first navigation system position signal and transmits onto the data bus (i) a first position signal indicative of the position of a trip starting location, (ii) a second position signal indicative of a trip destination location, and (iii) the first navigation system position signal (column 3, lines 45-50);
- a monitor unit that includes:
 - o a memory device that includes map data (figure 1);
 - o a monitor computing unit that receives from the data bus (i) the first position signal, (ii) the second position signal and (iii) the received navigation system position signal, and accesses the memory device to ^{compute} generate initial image data including map data indicative of the trip starting location, the trip destination and the current position of the navigation system (column 4, lines 35-43 and figure 1); and
 - o a display device responsive to the image data, to display an initial image indicative of the image data (figures 2-7);
- wherein the navigation computing unit receives a second navigation position signal indicative of a new position of the navigation system and transmits the second navigation position signal over the data bus to the

Art Unit: 3661

monitor computing unit, which generates revised image data including map data indicative of the trip starting location, the trip destination and the updates position of the navigation system, which is provided for display on the display device (column 4, lines 35-43 and figures 2-7).

As per claims 2 and 9, Ise discloses the use of a GPS receiver (figure 1).

As per claim 3, the use of longitude and latitude data is inherent.

As per claims 4, 5, 8 and 12, Morimoto discloses the same invention claimed by the applicant (figures 2, 4, 6 and 7).

As per claim 6, it is inherent the use of WGS 84 Standard.

As per claim 10, it is inherent the use of the MOST bus.

As per claim 11, it is inherent the use of the MML bus.

3. Claims 1-12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Morimoto et al (5,821,880).

As per claims 1, 7 and 13, Morimoto discloses:

- a position sensor that senses the geographic position of the navigation system and provides a first navigation system position signal indicative thereof (figure 1);
- a data bus (figure 1);
- a navigation computing unit that receives the first navigation system position signal and transmits onto the data bus (i) a first position signal indicative of the position of a trip starting location, (ii) a second position

Art Unit: 3661

- signal indicative of a trip destination location, and (iii) the first navigation system position signal (column 6, lines 45-55);
- a monitor unit that includes:
 - o a memory device that includes map data (figure 1);
 - o a monitor computing unit that receives from the data bus (i) the first position signal, (ii) the second position signal and (iii) the received navigation system position signal, and accesses the memory device to generate initial image data including map data indicative of the trip starting location, the trip destination and the current position of the navigation system (abstract); and
 - o a display device responsive to the image data, to display an initial image indicative of the image data (column 1, lines 25-32);
- wherein the navigation computing unit receives a second navigation position signal indicative of a new position of the navigation system and transmits the second navigation position signal over the data bus to the monitor computing unit, which generates revised image data including map data indicative of the trip starting location, the trip destination and the updates position of the navigation system, which is provided for display on the display device (column 6, lines 55-63).

As per claims 2 and 9, Morimoto discloses the use of a GPS receiver (figure 1).

As per claim 3, the use of longitude and latitude data is inherent.

As per claims 4, 5, 8 and 12, Morimoto discloses the same invention claimed by the applicant (figures 2-4, 17, 18, 21, 25-27).

As per claim 6, it is inherent the use of WGS 84 Standard.

As per claim 10, it is inherent the use of the MOST bus.

As per claim 11, it is inherent the use of the MML bus.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

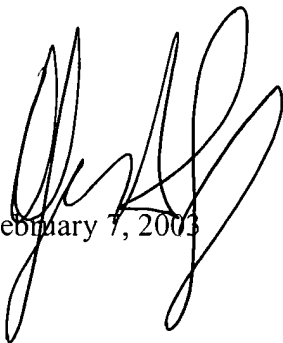
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is (703) 305-0918. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers

Art Unit: 3661


for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



February 7, 2003

Olga Hernandez
Examiner
Art Unit 3661



WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600